

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.2872 of 2016

ORDER:

Petitioners are aggrieved by order, dated 16.01.2016 passed by the third respondent – Competent Authority & Revenue Divisional Officer, Amalapuram, East Godavari District, directing them along with two others to pay Rs.84,50,640/- towards conversion fee and Rs.42,25,320/- towards penalty on conversion fee for converting the agricultural lands to non-agricultural use.

According to the petitioners, they have paid prescribed fee by way of challans and submitted the same along with their applications. Hence, they have questioned the impugned order whereby huge amount is levied towards conversion fee.

Even assuming that the contentions of the petitioners are correct, the petitioners have to approach the appellate authority, namely, the District Collector, who is specifically empowered under Section 8 of the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006 to consider the appeal against the order of the Revenue Divisional Officer if filed within 60 days after receipt of such order by the applicants.

Since the impugned order is passed by the Revenue Divisional Officer only on 16.01.2016, the petitioners can as well approach the District Collector by filing an appeal, if they are aggrieved by such order. Hence, I find no reasons to entertain the Writ Petition directly bypassing the said available remedy to the petitioners.

Therefore, giving liberty to the petitioners to file an appeal under the provision aforesaid, the Writ Petition is disposed of. However, for a period of two weeks, the demand under the impugned order shall not

be enforced against the petitioners to enable them to move the appellate authority by filing an appeal and seek appropriate orders thereon.

Miscellaneous Petitions, if any pending in this Writ Petition shall stand closed. No order as to costs.

VILAS V.AFZULPURKAR, J

1st FEBRUARY, 2016.

Note: issue c.c. in one week.

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